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February 5, 2018

*Via FOIAonline submission*

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

**Re: Freedom of Information Act request for EPA Records of Administrator Pruitt's WOTUS Meetings**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I am writing on behalf of the Environmental Integrity Project, Southern Environmental Law Center, Northwest Environmental Advocates, Center for Biological Diversity, Environment America, and Clean Water Action to request the following records held by the U.S. Environmental Protection Agency (EPA):

**Records Requested**

Any and all records relating to the meetings attended by EPA Administrator Scott Pruitt to discuss the proposed repeal and changes to the "Waters of the US" rule (listed in the table starting on page 2 of this request), including, but not limited to:

- Communications between EPA and any third party regarding the roundtables, including, but not limited to, the draft and final agenda, proposed or final list of invitees, and draft or final press releases. This request includes, but is not limited to, any communications between EPA and third parties which:
  - occurred before, during, or after each meeting;
  - pertain to specific or multiple meetings; or
  - discuss the proposed repeal of EPA's 2015 "Waters of the US" rule and any alternatives to the 2015 rule.
- Any written testimony, exhibits, notes, transcripts, or other materials either presented to EPA by third parties, or presented by EPA to third parties during the meeting, shared in advance before the meeting, or provided to/from EPA as follow-up to the meeting;

- The identity and organizational affiliation of speakers or other attendees at each meeting;
- Any remarks prepared for the Administrator for use at such meetings;
- Any video or photographic evidence of each meeting;
- Any requests from third parties to participate in any meeting; or
- Records of any meeting minutes or summaries written by or shared with EPA staff.

### Definitions of Key Terms

For the purposes of this request, the term “communications” means any correspondence (handwritten, typed, or electronic) with EPA involving a third party, including, but not limited to, emails, letters, memoranda, and notes of phone calls or other dialogue.

The term “third party” means any person who is not an employee of the federal government.

The “meetings” referred to in this request mean any of the meetings (whether political or otherwise) and/or tours listed in the table below:

**Table: WOTUS Roundtable Meetings<sup>1</sup>**

Location	Date	Time	Type	Description
Birmingham, AL	7/6/17	1:30	Meeting	WOTUS Site Visit With Alabama Farm Federation
Wilsonville, AL	7/6/17	11:00	Meeting/Tour	at Plant Gaston Site
Cochran, AL	7/7/17	11:00	Tour	Tour and WOTUS Event at Gully Branch Tree Farm
Salt Lake City, UT	7/18/17	1:00	Political Meeting	Governor Herbert (UT) and staff
Salt Lake City, UT	7/18/17	2:00	Meeting	WOTUS roundtable discussion
Minneapolis, MN	7/19/17	11:00	Political Meeting	Governor Dayton (MN), John Stein (ECOS President)

<sup>1</sup> This list of meetings was generated using Administrator Pruitt’s public calendar (<https://www.epa.gov/senior-leaders-calendars/calendar-scott-pruitt-administrator>), EPA official news releases, and news sources.

Location	Date	Time	Type	Description
Minneapolis, MN	7/19/17	12:15	Meeting	WOTUS roundtable, MN Agri-Growth Council
Little Rock, AR	7/20/17	10:30	Meeting	WOTUS roundtable, Arkansas Poultry Federation
Little Rock, AR	7/20/17	12:00	Political Meeting	Governor Asa Hutchinson (AR)
Charleston, SC	7/24/17	10:00	Meeting/Tour	WOTUS roundtable, tour and press at Super-Sod farm
Tulsa, OK	7/27/17	11:15	Meeting/Tour	WOTUS site visit
Oklahoma City, OK	7/28/17	11:30	Political Meeting	Governor Fallin (OK)
Oklahoma City, OK	7/28/17	3:30	Meeting	WOTUS roundtable, OK Electric Cooperatives Assn.
Brownsburg, IN	8/2/17	11:00	Political Meeting	Governor Holcomb (IN) and officials
Brownsburg, IN	8/2/17	11:55	Meeting/Tour	Mike Starkey Farms
Indianapolis, IN	8/2/17	12:30	Meeting	WOTUS roundtable
Woodrow, CO	8/3/17	11:30	Meeting/Tour	at Cloud Peak Energy
Broomfield, CO	8/3/17	4:00	Meeting	WOTUS roundtable, Fraiser Ranch
Des Moines, IA	8/8/17	10:00	Political Meeting	Governor Reynolds (IA)
Des Moines, IA	8/8/17	11:15	Meeting	WOTUS roundtable
Fargo, ND	8/9/17	10:45	Meeting	WOTUS roundtable
Grand Forks, ND	8/9/17	12:15	Political Meeting	Governor Burgum (ND), Senator Hoeven (ND), Cong. Cramer (ND)
Grand Forks, ND	8/9/17	1:50	Meeting/Tour	Farm stop with commodity groups

Location	Date	Time	Type	Description
Fargo, ND	8/9/17	3:00	Meeting/tour	Tour and Roundtable, North Dakota's Energy And Environment Center
Georgetown, KY	10/9/17	11:30	Meeting	Energy Dominance Roundtable
Hazard, KY	10/9/17	2:30	Meeting	Agriculture roundtable
Jackson, MS	10/12/17	9:15	Political Meeting	Governor Bryant (MS)
Jackson, MS	10/12/17	10:00	Meeting	WOTUS roundtable
Jackson, MS	10/12/17	12:00	Meeting	Roundtable with MS Farm Bureau
Lincoln, NE	10/20/17	11:00	Political Meeting	Meeting with Governor Ricketts (NE) and state officials
Omaha, NE	10/20/17	12:00	Meeting	WOTUS Roundtable
Omaha, NE	10/20/17	4:30	Meeting	Meeting with Union Pacific
Nashville, TN	10/23/17	3:00	Political Meeting	Meeting with Governor Ricketts (NE) and state officials

### Claims of Exemption from Disclosure

If you regard any documents as exempt from required disclosure under FOIA, please exercise your discretion to disclose them nevertheless, keeping in mind that FOIA “is the most prominent expression of a profound national commitment to ensuring an open Government” and that “[a]ll agencies should adopt a presumption in favor of disclosure.” President Barack Obama, Memorandum For the Heads of Executive Departments and Agencies: Freedom of Information Act, 74 Fed. Reg. 4, 863 (Jan. 26, 2009).

In the alternative, after careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide all reasonably non-exempt portions of records and communications as required by FOIA.

Should you elect to invoke an exemption, please provide the required full or partial denial letter and sufficient information to determine whether or not there may be grounds to appeal EPA’s decision. In accordance with the minimum requirements and regulations of due process, this information should include:

- Basic factual material, including the originator, date, length, and addresses of the withheld items.
- Explanations and justifications for denial, including the identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the withheld material.

### **Waiving Request for Fee Waiver**

This FOIA request meets the case-by-case requirements for a fee waiver, by satisfying each of the six factors which must be met to qualify for a fee waiver under EPA regulations found at 40 C.F.R. § 2.107. However, although we are entitled to a fee waiver, we are waiving any request for a waiver of fees.

### **Opportunity to Provide Clarification**

If I can provide any additional information or answer any questions that can help to clarify or limit this request, please do not hesitate to contact me at (202) 888-2701 or via email at [slam@environmentalintegrity.org](mailto:slam@environmentalintegrity.org).

Thank you for your assistance with this FOIA request, and I look forward to hearing from you.

Sincerely,



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